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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton *et al.* Confirmation No.: 8604  
Serial No.: 09/823,322 Art Unit: 1631  
Filed: April 2, 2001 Examiner: Marschel, A.  
For: METHODS FOR DETERMINING Attorney Docket No.: 9301-136  
THERAPEUTIC INDEX FROM  
GENE EXPRESSION PROFILES

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

It is respectfully requested that the time for filing an appeal brief be extended for a period of five months from January 10, 2005 to and including June 10, 2005.

Applicant paid an extension fee of \$510.00 (small entity) for a period of three months from January 10, 2005 to and including April 10, 2005 previously. The additional fee for this extension is estimated to be \$570.00 (small entity). Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Adriane M. Antler 32,605  
(Reg. No.)  
JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

Date: June 6, 2005  
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Adriane M. Antler 32,605  
(Reg. No.)

Date: June 6, 2005

NYJD: 1579290.1

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JUN 06 2005

TELEFACSIMILE LETTER FROM  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017-6702  
Telephone Number (212) 326-3939  
Fax No.: (212) 755-7306

TO: Examiner Ardin Marschel  
United States Patent and Trademark Office  
FAX NO.: 1-571-273-0718

FROM: Adriane M. Antler  
Weining Wang

PAGES: 22 + Cover Sheet

DATE: June 6, 2005

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(212) 326-3859.

Application of: Marton et al.

Confirmation No.: 8604

Serial No.: 09/823,322

Art Unit: 1631

Filed: April 2, 2001

Examiner: Marschel, A.

For: METHODS FOR DETERMINING  
THERAPEUTIC INDEX FROM  
GENE EXPRESSION PROFILES

Attorney Docket No.: 9301-136

Transmitted herewith for review by the Examiner are courtesy copies of the following documents:

1. Copy of Facsimile Cover Sheet;
2. Copy of Amendment under 37 C.F.R. § 1.116;
3. Copy of Amendment Fee Transmittal; and
4. Copy of Petition for Extension of Time.

These papers have been filed with the United States Patent and Trademark Office by facsimile to Facsimile No. 1-571-273-8300 on even date herewith.

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- 1 -

**JONES DAY**  
222 East 41st Street  
New York, New York 10017-6702  
Telephone Number (212) 326-3939  
Fax No.: (212) 755-7306

TO: Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FROM: Adriane M. Antler

FAX NO.: 1-571-273-8300

DATE: June 6, 2005

PAGES: 21 + Cover Sheet

If you have any problems receiving this document, please telephone the sender at  
(212) 326-3859.

Application of: Marton et al.

Confirmation No.: 8604

Serial No.: 09/823,322

Art Unit: 1631

Filed: April 2, 2001

Examiner: Marschel, A.

For: METHODS FOR DETERMINING  
THERAPEUTIC INDEX FROM  
GENE EXPRESSION PROFILES

Attorney Docket No.: 9301-136

Transmitted herewith for filing, please find the following:

1. Amendment under 37 C.F.R. § 1.116;
2. Amendment Fee Transmittal (in duplicate); and
3. Petition for Extension of Time (in duplicate).

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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*Adriane M. Antler* 32,605  
(Reg. No.)

Date: June 6, 2005

NYJD 157211

- 1 -

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton et al. Confirmation No.: 8604  
Serial No.: 09/823,322 Art Unit: 1631  
Filed: April 2, 2001 Examiner: Marschel, A.  
For: METHODS FOR DETERMINING Attorney Docket No: 9301-136  
THERAPEUTIC INDEX FROM  
GENE EXPRESSION PROFILES

FEE TRANSMITTAL SHEET

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$0.00.

The claim amendment fee has been estimated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	<input checked="" type="checkbox"/> SMALL ENTITY			<input type="checkbox"/> OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID	PRESENT EXTRA	RATE	ADDT' FEE	OR	RATE	ADDT' FEE	
TOTAL 37	MINUS 51	0	x .25	\$ 0.00		x .50	\$	
INDEP 7	MINUS 7	0	x 100	\$ 0.00		x 200	\$	
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				\$ 0.00			\$	
			TOTAL	\$ 0.00	OR	TOTAL	\$	

Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: June 6, 2005

*Adriane M. Antler* 32,605  
Adriane M. Antler (Reg. No.)  
JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

Enclosure

CERTIFICATE OF FACSIMILE TRANSMISSION

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*Adriane M. Antler* 32,605  
Adriane M. Antler (Reg. No.)

Date: June 6, 2005

NYJD: 1579431.1

VIA FACSIMILE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marion et al. Confirmation No.: 8604  
Serial No.: 09/823,322 Art Unit: 1631  
Filed: April 2, 2001 Examiner: Marschel, A.  
For: METHODS FOR DETERMINING Attorney Docket No: 9301-136  
THERAPEUTIC INDEX FROM  
GENE EXPRESSION PROFILES

FEE TRANSMITTAL SHEET

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				\$ 0.00			\$	
			TOTAL	\$ 0.00	OR	TOTAL	\$	

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Date: June 6, 2005

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*Adriane M. Antler* 32,605  
Adriane M. Antler (Reg. No.)

Date: June 6, 2005

NYJD 1579431